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Joel A. Schneider, M.D., F.A.C.S., F.A.C.C., F.C.C.P.  
Richard S. Downey, M.D., F.A.C.S., F.A.C.C.  
Stephen R. Hazetrigg, M.D., F.A.C.S., SIU Affiliate  
Richard J. Mellitt, M.D.

**November 23, 1998**

Ms. Ida Klepper  
Manager, Airmen & Airspace Rules Division  
Federal Aviation Administration  
Office of Rule Making, Room 810  
800 Independence Ave., S.W.  
Washington, D.C. 20591

**RE: Request for Meeting  
Between Office of Rule Making  
and Joel A. Schneider re:  
DOCKET NO. 29061**

Dear Ms. Klepper:

I am writing to you regarding Docket #29061 for which I filed a Request for Reconsideration dated October 14, 1998.

As outlined in the Request for Reconsideration, I have retained Ralph D. Kimberlin, Ph.D., FAA flight Test Pilot and Flight Analyst Designated Engineering Representative (DER SO-264) to assist me in this effort to see the Request for Exemption granted.

I am requesting a meeting with your office and all people of authority in the matter so that we might feel fully able to present our case and address any concerns that the Office of Rule Making might have. Hopefully, this could be done within the next 30 days.

Please give me a call with dates that might be convenient to your schedule.

Thank you for your assistance in this matter.

Sincerely yours,

  
Joel A. Schneider, M.D.

cc: Ralph Kimberlin, Ph.D.

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Richard J. Mellitt, M.D.

November 2, 1998

Brenda Eichelberger  
Office of Rule Making  
Federal Aviation Administration  
Washington, DC 20591

Dear Ms. Eichelberger:

Thank you for taking my call today. As I indicated on the phone, I was trying to find out the status of my request for reconsideration of Docket No. 29061 which is an application for single pilot operation of suitably modified Dassault-10 aircraft by qualified and trained pilots. You indicated that Mr. Richard Gordon's office should have forwarded my request to the docket office, but you are not sure if that happened, therefore I am faxing you this copy in order for you to provide follow-up.

Please give me a call at my office, (217) 544-1600, or my home number (217) 529-7693, at any time if you have some information regarding the status of this request.

Sincerely yours,

  
Joel A. Schneider, M.D.

JAS/cb  
Enclosure

*AFS-98-054-E*



SIU SCHOOL OF MEDICINE  
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Richard J. Mellitt, M.D.

October 14, 1998

Mr. Richard O. Gordon  
Acting Director, Flight Standards Service  
Federal Aviation Administration  
Washington, D.C. 20591

Dear Mr. Gordon:

I am writing for reconsideration of a decline of exemption under 11.55 referencing Docket No. 29061.

On October 4, 1997 I applied for an exemption for single pilot operation of a suitably modified Dassault-10 aircraft by qualified and trained pilots. In your letter of September 23, 1998 you denied such an exemption.

I believe that the decision to deny this exemption was contrary to FAA precedent.

I have no objection to the text of pages 1 and 2 of the September 23, 1998 letter. These paragraphs simply paraphrase the exemption as written by the petitioner and reference the favorable responses to the request for comments published in the Federal Register.

The paragraphs following the sentence "the FAA's analysis/summary is as follows" are the ones with which I take exception. These conclusions appear to be the basis for denial of the petition.

\*\*\*Paragraphs subsequent to "the FAA's ....as follows" will be identified numerically beginning as Paragraph 1.\*\*\*

**Paragraph 1:** (The FAA consulted with four FAA aviation safety inspectors and two professional Falcon 10 flight instructors regarding the petitioner's arguments in support of a grant exemption.' All parties agree that the Falcon 10 has excellent flight characteristics and adequate levels of redundancy, and is very reliable. The FAA also finds that the Falcon 10 can be hand flown at altitude and will exceed the maximum operating speed limit ( $V_{mo}$ ) in straight-and-level flight with positive flight characteristics. However, the FAA has determined that the heavy workload and speed of this aircraft



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during normal and emergency operations within the dense U.S. air traffic environment require that it be operated with two pilots.)

Apparently all parties do agree on the "excellent flight characteristics and adequate levels of redundancy and reliability," even outside the normal flight envelope.

However, since no testing was done to determine workload, it is unsubstantiated how "the FAA has determined the heavy workload and speed of this aircraft during normal and emergency operations within the dense U.S. air traffic environment require that it be operated by two pilots." In fact, both Dassault and the Joint Airworthiness Authority of Europe feel that the aircraft, properly modified, is capable of operating single pilot in European airspace which is much smaller and every bit as dense a traffic environment as is the U.S. This is borne out by the Factory Approved Service Bulletin for Single Pilot Operation. The FAA's position represents a finding of material fact that is without any referenced basis and is, therefore, without merit. It is a departure from precedent which allows equally sophisticated aircraft such as the Citation II, V, and VII, and the new Sinc-Swearingen Jet which operate at similar speeds in identical environments with similar pilot workloads, to operate with a single pilot exemption.

Further, the entire Falcon Jet pilot curriculum, including didactic study, simulator training and in-flight demonstration directly address and evaluate the pilot and his ability to properly handle the Falcon 10 aircraft in all "normal and abnormal operations within the dense U.S. air traffic environment." This relevant fact of proficiency qualification apparently was not considered by the FAA in the evaluation of this exemption request.

**Paragraph 2:** (The managers of two leading Falcon 10 training centers have expressed concern for allowing the Falcon 10 to be operated with a single pilot. In addition, the FAA finds that, although the Falcon 10 is approved for single-pilot operations in France, the Joint Aviation Authorities have indicated that within two years, Part 91 single-pilot operations will not be authorized in Europe. Similarly, South America already has excluded single-pilot operations of this type.)

Sentence one of Paragraph 2 is vague and could be expected since these individuals see the possibility of 50% of their Falcon 10 business disappearing because of the need to "train" only one pilot rather than two. In other words they have a financial conflict of interest, rendering their comments tainted, and therefore invalid.

Sentence two suggests that by some unidentified communications channel of unknown authority, "within two years Part 91, single-pilot operations will not be authorized in Europe." I would certainly doubt the truth of this statement, since it implies that no airplane of any kind will be operated in Europe single-pilot, even Cessna 172's. Does the FAA mean to imply that no single-pilot turbojet operations will be authorized in Europe? If so, will the FAA be expected to withdraw the single-pilot turbojet waivers for U.S.

aircraft? Therefore, the conjecture on what the European Joint Aviation Authorities might do in two years has no relevance to granting or denying this exemption in the United States. If I recall correctly, we fought a war to prevent a European power from imposing their will upon us. The only real relevant fact to this exemption application is that Falcon 10 single-pilot operations are both factory and DCAG approved in Europe.

The last sentence of the FAA text implies that "South America" has a governing body that has excluded single-pilot operations of this type. To the best of my information, South America has no single governing body but is composed of 12 separate countries, each of which has their own governing aviation authority, none of which exclude the operation of single-pilot Citation turbojet aircraft. Even if they did have such exclusions, "South American" law has no relevance to the granting or denial of this petition.

**Paragraph 3:** (The FAA's primary concern is the requirement for load shedding of the autopilot during an electrical system failure, which would burden the pilot with an extremely high workload. The modifications listed in SB F10-00-2 do not include a modification to ensure that the autopilot will function during a complete electrical failure. Emergency procedures require that the autopilot be disengaged, which would make it unavailable during complete electrical failure. Without a second pilot to assist, the load shedding would be difficult and would require preparation, control and planning beyond the capabilities of a single pilot. Furthermore, the petitioner has failed to provide documentation that substantiates the petitioner's intent to comply with his proposal to equip the Falcon 10 with a fully functioning autopilot controllable about three axes and capable of approach coupling during single-pilot operations.)

This paragraph implies that as a consequence of autopilot failure, the pilot would be burdened with an "extremely high workload," however, no substantiation, such as results of workload flight test, is provided to justify this statement. In fact, statements such as "the Falcon 10 can be hand flown at altitude with excellent flight characteristics and is very reliable" (Paragraph 1) seem to demonstrate the opposite of "extremely high workload" and the likelihood of total electrical failure. Further, the petitioner's provisions provide for training and proficiency in handling emergencies such as electrical system failure. Such operations would be demonstrated by each and every qualified pilot in training with emphasis on preparation, control, and planning for such single pilot operations. The petitioner is also willing to prepare, for FAA review, a Flight Manual Supplement to be used for single pilot operations including emergencies. I would also like to point out that as the single pilot operator of an exempted Cessna turbojet, no provision for autopilot functioning is required in case of complete electrical failure on that aircraft.

I object to the criticism "Furthermore, the petitioner has failed to provide documentation that substantiates the petitioner's intent to comply with his proposal to equip the Falcon 10 with a fully functioning autopilot controllable about three axes and capable of approach coupling during single-pilot operations." I object on the basis that such "documentation of

intent to comply" is presumptuous of an intent not to comply, for which there is no precedent. The petitioner's requirement (Listed #6) for a "fully functioning autopilot controllable about three axes that is capable of approach coupling" is unambiguous and self-explanatory.

**Paragraph 4:** (Additionally, the FAA finds that the petitioner has not provided reasons why granting the exemption would be in the public interest, but only why granting the exemption would be in the petitioner's interest. Although providing salary, lodging, vacation, travel, training and disability for a Falcon SIC could be a continuing cost to the petitioner, that cost is part of operating in accordance with the standards established by the FAA.)

The FAA's position implies that I, as a tax paying citizen, do not represent the public. I would submit that my interest is the public interest as long as it does not interfere with the rights of others. The public interest inherent in my request cannot be rightfully denied while allowing exemptions "in the public interest" for single-pilot operations by Cessna Sierra Industries, Shannon Corp. and others.

The last sentence in Paragraph 4 ("the cost is part of operating in accordance with the standards established by the FAA") implies that a two pilot "standard" has been established by the FAA.

I would like to point out that FAR Part 25.1523 Minimum Flight Crew does not require two or more pilots nor the prohibition of single-pilot operations, but requires an evaluation to determine the number of crew members for safe operation. No where in this regulation, in Appendix D, which provides methods and guidelines for conducting the evaluation, or the background information provided in Amendment 25-3 is more than one pilot required for Part 91 operations. In the case of the Falcon 10, Dassault has provided by Approved Service Bulletins for a single-pilot configuration which has been DCAG approved for single-pilot operation. Cessna and others have provided this in the United States and their exemptions have been granted by the FAA.

Finally, in **Paragraph 5**, (The French type certification for the Falcon 10 requires two pilots, therefore 91.9(a) and 91.531(a)(2) require two pilots to operate the Falcon 10 in the United States, even if the aircraft is foreign registered. The French authorization approving single-pilot operations using the Falcon 10 is an operating rule that does not affect the aircraft's type certification.)

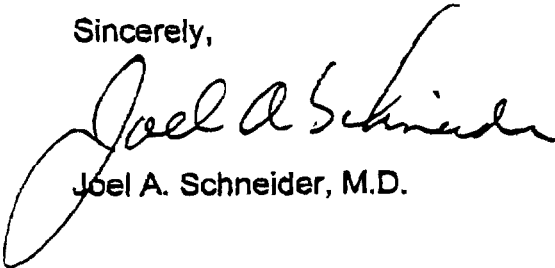
I agree that the French authorization approving single-pilot operation is an operating rule just as the exemption for Cessna's aircraft and others is an exemption from an operating rule. This paragraph seems to be a non-argument, since I am requesting an exemption from Part 91.9(a) and Part 91.531(a)(2).

In summary, I am requesting reconsideration of Docket No. 29061 for a favorable action granting exemption 6812. The request for exemption is based upon precedent of other Part 25 certified turbojet aircraft authorized for single-pilot operations and is in compliance with an approved Service Bulletin issued by the aircraft manufacturer. Special requirements of aircraft configuration, including autopilot, and pilot qualifications amply provide for an equivalent level of safety to the rule from which exemption is sought and is in the public interest.

To assist me in pursuit of this exemption I have retained Ralph D. Kimberlin, Ph.D., FAA Flight Test Pilot and Flight Analyst Designated Engineering Representative (DER SO-264). Dr. Kimberlin has over 25 years experience as a DER and assisted me in preparing this response. He may be reached by telephone at (931)393-7411 during working hours and at home at (931)455-8372.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Joel A. Schneider". The signature is written in dark ink and is positioned above the printed name.

Joel A. Schneider, M.D.

JAS/cb